

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALTON D. BROWN,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 16-cv-1680
)	
WEXFORD HEALTH SOURCES, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Alton D. Brown’s “Appeal to U.S. District Judge From Magistrate’s Discovery Order Dated 5/18/2022; and Motion for Stay.” ECF No. 375. Magistrate Judge Eddy issued a Scheduling Order setting a briefing schedule for Motions for Summary Judgment. ECF No. 374. Judge Eddy also Ordered that discovery in the case was closed and further requests for discovery would be stricken. Id. Mr. Brown appears to challenge the Scheduling Order for two reasons: (i) he has been unable to complete discovery due to Defendants attacks and sabotage; and (ii) he is in an unfair position due to mental and physical injuries inflicted upon him by Defendants.


The Magistrate Judge’s Order is non-dispositive, and since it involves management of the case, the Magistrate Judge is authorized to use her discretion.¹ In a case that has been in litigation this long, eventually the time comes to close discovery and proceed to dispositive

¹ The standard of review of a non-dispositive matter is whether the decision is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A), accord Fed. R. Civ. P. 72(a) (referring to “a pretrial matter not dispositive of a party’s claim or defense”). “Where a magistrate judge is authorized to exercise his or her discretion, the decision will be reversed only for an abuse of that discretion.” Cooper Hosp./Univ. Med. Ctr. v. Sullivan, 183 F.R.D. 119, 127 (D.N.J. 1998).

motions. Such a decision as to when that occurs is committed to the discretion of the Magistrate Judge. The Court finds that the Magistrate Judge's Order is not clearly erroneous, contrary to law, or an abuse of discretion. Accordingly, Mr. Brown's Appeal is denied.

For primarily the same reasons, Mr. Brown also, or alternatively, seeks a stay of this action. The decision as to whether a stay is warranted at this time is a matter best decided by the Magistrate Judge. Therefore, Mr. Brown's motion for a stay as appearing on pages 6 through 8 of ECF No. 375, is referred to the Magistrate Judge for resolution.

IT IS SO ORDERED this 14th day of June 2022.


Marilyn J. Horan
United States District Court Judge

cc: Alton D. Brown, pro se
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